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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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13 **LANCE BOLAND, ET AL.,**

14 Plaintiffs,

15 v.

16 **ROB BONTA, IN HIS OFFICIAL**
17 **CAPACITY AS ATTORNEY GENERAL OF**
18 **THE STATE OF CALIFORNIA, ET AL.,**

19 Defendants.
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Case No. 8:22-cv-01421-DFM

**DEFENDANT'S EX PARTE
APPLICATION TO PERMIT
WITNESS TO TESTIFY BY
VIDEO OR PHONE AT JANUARY
23, 2023 HEARING**

Judge: Hon. Cormac J. Carney
Trial Date: None set
Action Filed: August 3, 2022

1 Defendant California Attorney General Rob Bonta hereby submits this ex
2 parte application asking the Court to permit expert witness Dr. Saul Cornell to
3 testify via video conference or, alternatively, telephone, at the January 23, 2023
4 evidentiary hearing on Plaintiffs' motion for preliminary injunction.

5 On December 14, 2022, this Court issued an order directing the parties to
6 present at the January 23 hearing live percipient and expert testimony, along with
7 other evidence, relating to specified subjects. ECF No. 35. Defendant intends to
8 present at the hearing Dr. Cornell as an expert witness on the relevant historical
9 tradition of firearm regulation in the United States. He is currently Defendant's
10 only expert on this subject. Dr. Cornell resides in the State of Connecticut and has
11 certain health issues and other risk factors that make him particularly vulnerable to
12 COVID-19. In light of the currently high rates of COVID-19 in the United States,
13 travel to California for the hearing would therefore create risks to his health that
14 may be avoided if he is permitted to testify remotely. Dr. Cornell is the only
15 witness for whom Defendant makes this request.

16 Defendant's counsel has advised Plaintiff's counsel that Defendant would be
17 seeking the Court's permission for Dr. Cornell to testify by video conference or,
18 alternatively, telephone. Plaintiffs' counsel responded that they would not oppose
19 Defendant's request to the Court so long as Defendant does not oppose any similar
20 application by Plaintiffs for remote witness testimony at the January 23 hearing.
21 Defendant agreed not to oppose any such application.

1 Dated: January 13, 2023

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 MARK R. BECKINGTON
5 Supervising Deputy Attorney General

6 /s/ Gabrielle D. Boutin
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